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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Application Serial No.	85069744
Applicant	SP Industries Inc.

Notice of Appeal

Notice is hereby given that SP Industries Inc. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 85069744.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following classes of goods/services:

- Class 007. First Use: 2010/02/26 First Use In Commerce: 2010/02/26
All goods and services in the class are appealed, namely: Vacuum pumps, namely rotary vane, Cole principle, roots blowers and oil-less for evaporation and freeze drying (lyophilization); automated laboratory glassware washers; industrial machinery for generating a stream of filtered, dehumidified and thermally controlled gas for industrial use
- Class 009. First Use: 2010/02/26 First Use In Commerce: 2010/02/26
All goods and services in the class are appealed, namely: Scientific apparatus and instruments, namely laboratory apparatus for evaporating volatile solvents; namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; temperature controlled baths and traps for laboratory use, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for laboratory use, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; freeze and vacuum dryers for laboratory research applications; laboratory equipment for generating a stream of filtered, dehumidified and thermally controlled gas for laboratory use; low and high temperature apparatus for rapidly recycling of temperature for testing electronic components, circuit boards and electromechanical devices; namely, automatic valves and actuators; programmable computer based control systems for scientific apparatus and instruments comprised of display screen, control panel, microprocessor, human-machine interface (HMI), programmable logic controllers (PLC) and graphical user interface (GUI) software; replacement component parts for all the aforesaid goods; vacuum pumps for laboratory use, namely rotary vane, Cole principle, roots blowers and oil-less vacuum pumps
- Class 011. First Use: 2010/02/26 First Use In Commerce: 2010/02/26
All goods and services in the class are appealed, namely: Industrial apparatus for evaporating volatile solvents namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; freeze dryers (lyophilizers); vacuum dryers; condensers, namely continuous running condensers, solvent waste condensers and exhaust condensers; recirculating fluid chillers for use in industrial applications, namely with lasers, plasma etchers, diffusion pumps, graphite furnaces, reaction vessels, sputtering equipment, vacuum systems, electron microscopes and power supplies; temperature controlled baths and traps for use in laboratory and industrial applications, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for use in industrial applications, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; centrifugal evaporators for use in biological, pharmaceutical, environmental and industrial applications; industrial freeze and vacuum dryers for use in biological, pharmaceutical, educational, agricultural and industrial applications; electromechanical gas generators, namely, multi-purpose gas generators which generate a stream of filtered, dehumidified and thermally controlled gas for industrial or commercial use; replacement component parts for all the aforesaid goods
- Class 037. First Use: 2010/02/26 First Use In Commerce: 2010/02/26
All goods and services in the class are appealed, namely: Repair, maintenance, installation services for laboratory and production equipment; validation and commissioning services for laboratory and production equipment, namely, providing assistance in the installation of laboratory and production equipment

- Class 042. First Use: 2010/02/26 First Use In Commerce: 2010/02/26
All goods and services in the class are appealed, namely: Scientific and technological services and research and development relating to dryers, evaporators and thermal control systems, namely, scientific research, analysis and testing services; design and development of computer control software and systems therefor

Respectfully submitted,

/pjh/

04/27/2011

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